

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

BRIAN KAUFFMAN,

Plaintiff,

- against -

MAXIM HEALTHCARE SERVICES, INC.,

Defendant.

-----X

ORDER

CV 04-2869 (TCP) (JO)

JAMES ORENSTEIN, Magistrate Judge:

Consistent with the terms of my previous order of May 16, 2005, Docket Entry ("DE") 40 ruling (5), as upheld upon review by the district court pursuant to Rule 72(a), DE 51, the plaintiff's letter-motion to compel discovery, DE 52, is "denied without prejudice to renewal if the exchange of expert reports makes the requested material relevant. Thus, as an example only, if defendant's expert's rebuttal relies on the racial make-up of local labor markets, I may reconsider [the instant] ruling." In advance of the exchange of expert reports, the plaintiff's motion has no more merit now than it did six months ago.

Consistent with the terms of my order of July 18, 2005, DE 50, the exchange of expert reports must now be completed by November 18, 2005. To the extent the plaintiff's letter-motion seeks a further extension of that deadline, it is denied. I will enter a separate Second Amended Case Management and Scheduling Order setting forth other deadlines as revised in conformity with my order of July 18, 2005.

SO ORDERED.

Dated: Central Islip, New York
October 18, 2005

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge